

In re Application of:  
Pandian et al.  
Application No.: 09/940,296  
Filed: August 27, 2001  
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Attorney Docket No.: MBM1270

**REMARKS**

**Status of the Claims**

By the foregoing amendments, claim 1 is sought to be amended and claims 25 to 29 cancelled. Upon entry of the foregoing amendments, claims 1-4 are pending in the application.

**Support for the Claim Amendments**

Support for the foregoing amendments to claim 1 can be found throughout the specification, for example, support for an amplification probe with a first region including a homopolymeric sequence complementary to a sequence on a selected primary probe can be found at least at page 17, lines 17 – 25.

These amendments do not add new matter, and their entry and consideration is respectfully requested.

Responding in point order to the Examiner's rejections:

**Specification**

The Examiner has objected to the abstract of the disclosure. The abstract has been amended and Applicant respectfully requests entry of the amended abstract.

**Rejections under 35 USC §102**

The Examiner rejects claim 1 under 35 U.S.C. §102(e) as being anticipated by Urdea *et al.* (US Patent No. 5,656,731). Urdea *et al.* teach hybrid probes comprising nucleic acid sequences and amino acid residues, which are used to amplify the detectable signal of immunoassays. Without conceding to the correctness of the Examiner's rejection and solely in order to expedite

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the prosecution of the instant application, Applicant submits amended claim 1 directed to an amplification probe comprising a first region and a second region wherein said first region includes a homopolymeric sequence complementary to a sequence on a selected primary probe. Applicant asserts that Urdea *et al.* do not disclose an amplification probe comprising a first region as described above. Accordingly, Applicant asserts that amended claim 1 is novel over Urdea *et al.* and respectfully requests withdrawal of the 102(e) rejection.

The Examiner further rejects claims 2 – 4. alleging that Urdea *et al.* (US Patent No. 5,656,731) discloses the features specified in these claims. Applicant asserts that as noted above, amended claim 1 is novel over Urdea *et al.*, and as a result of their dependency on claim 1, claims 2 – 4 are also novel over Urdea *et al.*, and respectfully requests withdrawal of this rejection.

The Examiner additionally rejects claims 25-28, as being anticipated by Urdea *et al.* Without conceding to the correctness of the Examiner's objection, and solely to expedite prosecution of the instant application, the Applicant has cancelled claims 25-28.

#### Rejections under 35 USC §103

The Examiner rejects claim 29 under 35 U.S.C. §103(a) as being unpatentable over Urdea *et al.* (US Patent No. 5,656,731). Without conceding to the correctness of the Examiner's objection, and solely to expedite prosecution of the instant application, the Applicant has cancelled claim 29.

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**CONCLUSION**

In view of the foregoing amendments and remarks, it is believed that the Examiner should withdraw the rejection of the pending claims. Applicants believe all claims pending in this application are in condition for allowance. The issuance of a formal Notice of Allowance is respectfully requested.

If the Examiner would like to discuss any of the issues raised in the Office Action, Applicants' representative can be reached at (858) 677-1456. Please charge any additional fees, or make any credits, to Deposit Account No. 07-1896.

Respectfully submitted,



Date: December 28, 2004

Lisa A. Haile, J.D., Ph.D.  
Reg. No. 38,347  
Telephone: (858) 677-1456  
Facsimile: (858) 677-1465

**USPTO CUSTOMER NUMBER 28213**  
GRAY CARY WARE & FREIDENRICH LLP  
4365 Executive Drive, Suite 1100  
San Diego, California 92121-2133